

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF 5 ACRES  
OF ADDITIONAL TERRITORY, COMMONLY KNOWN AS MILEGROUND  
ARMORY SITE, INTO THE CITY OF MORGANTOWN PURSUANT  
TO SECTION 8-6-4 OF THE WEST VIRGINIA CODE.**

**WHEREAS,** Petitions have been filed with the City of Morgantown pursuant to Section 8-6-4 of the West Virginia Code requesting the annexation of 5 acres (known as Mileground Armory realty), more specifically described on the boundary plan/exhibit and metes and bounds description hereto attached and made a part of this ordinance;

**WHEREAS,** Morgantown City Council is of the opinion that the petitions, boundary plan/exhibit, and metes and bounds description conform to the requirements of Section 8-6-4 and all other applicable sections of the West Virginia Code; and

**WHEREAS,** Morgantown City Council is of the opinion the City of Morgantown should annex said 5 acres into its corporate limits.

**NOW, THEREFORE, THE CITY OF MORGANTOWN HEREBY ORDAINS** that the 5 acres (known as Mileground Armory realty) as more particularly shown and described on the boundary plan/exhibit and metes and bounds description hereto attached, are annexed into the corporate limits of the City of Morgantown; that the minutes of City Council shall indicate the same; that the Mayor and City Manager are hereby authorized to execute and forward the attached certificate to the Monongalia County Commission.

This ordinance shall be effective upon date of adoption.

First Reading:

Adopted:

\_\_\_\_\_  
MAYOR

Filed:

Recorded:

\_\_\_\_\_  
CITY CLERK

**PETITION FOR ANNEXATION  
(Qualified Voter Petition)**

Pursuant to Section 8-6-6(b) of the West Virginia Code, the State of West Virginia, State Armory Board, a body corporate and agency of the State of West Virginia, meets the statutory definition of Qualified Voter; and as the sole qualified voter of five (5) acres, more or less, shown on Monongalia County Tax Map 58 as Parcel 3.2, does hereby petition the City of Morgantown to annex said five (5) acres within its corporate boundaries.


The State Armory Board would assert that the Monongalia County Tax Map and property records incorrectly state that said five (5) acres is already within the City of Morgantown.

State of West Virginia  
The State Armory Board  
1703 Coonskin Drive  
Charleston, WV 25311-1099

By:

Title:

Date:

  
The Adjutant General  
26 March 13

STATE OF WEST VIRGINIA

COUNTY OF Kanawha, to-wit:

I, Carolyn Kay Nichols, a Notary Public of said County, do hereby certify that the Qualified Voter Petition that is attached, bearing the signature of MG James A. Hoyer, on behalf of the State Armory Board, has this day acknowledged the same before me in my said County.

Given under my hand this 26<sup>th</sup> day of March, 2013.

My commission expires 9-11-2022.



Carolyn Kay Nichols  
Notary Public

**PETITION FOR ANNEXATION  
(Freeholder Petition)**

Pursuant to Section 8-6-4 of the West Virginia Code, the State of West Virginia, State Armory Board, a body corporate and agency of the State of West Virginia, as the sole freeholder of five (5) acres, more or less, shown on Monongalia County Tax Map 58 as Parcel 3.2, does hereby petition the City of Morgantown to annex said five (5) acres within its corporate boundaries.

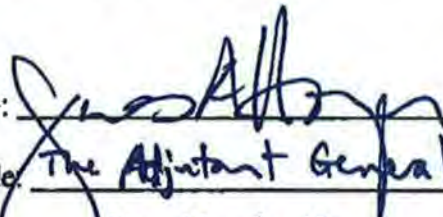
The State Armory Board would assert that the Monongalia County Tax Map and property records incorrectly state that said five (5) acres is already within the City of Morgantown.

State of West Virginia  
The State Armory Board  
1703 Coonskin Drive  
Charleston, WV 25311-1099

By:

Title:

Date:

  
The Adjutant General  
26 March 13

STATE OF WEST VIRGINIA

COUNTY OF Kanawha, to-wit:

I, Carolyn Kay Nichols, a Notary Public of said County, do  
hereby certify that the Freeholder Petition that is attached, bearing the signature of  
MG James A. Hoyer, on behalf of the State Armory Board, has this day  
acknowledged the same before me in my said County.

Given under my hand this 26<sup>TH</sup> day of March, 2013.

My commission expires 9-11-2022.



Carolyn K. Nichols  
Notary Public



# EXHIBIT



VICINITY MAP

Board of Education of the  
County of Monongalia (NF)  
DB 1424 PG 204

TM 58/P 3.3

Morgantown Corp.  
±8.85 Ac.

Board of Education of the  
County of Monongalia (NF)  
DB 1439 PG 860

TM 08/P 6.1

Morgan Dist.  
±2.45 Ac.

STATE OF WEST VIRGINIA  
FOR THE USE OF STATE ARMORY BOARD  
DB 604 PG 469

TOTAL = ±5.00 ACRES

\*MORGAN DISTRICT  
MONONGALIA COUNTY  
WEST VIRGINIA

TM 8/P 30

Scumaci-Mile Ground,  
LLC (NF)  
DB 1205 PG 366; Par 3

TM 08/P 7

Morgan Dist.  
±6.597 Ac.

Melvins  
Automatic Transmission  
Services, Inc. (NF)  
DB 1145 PG 178

TM 08/P 5

Morgan Dist.  
±2.91 Ac.

Michel Real Estate  
Partnership, LLP (NF)  
DB 1332 PG 100

TM 58/P 3.1

Morgantown Corp.  
±1.5 Ac.

EXISTING R/W

To Morgantown

US ROUTE 119

To I-68

\*The 5 acre "Armory" parcel boundary shown hereon was incorrectly referred to by the Office of the Clerk of Monongalia County as residing within the Fifth Ward to the City of Morgantown, and previously shown on Tax Map 58 as Parcel 3.2. Annexation records, dated July 24, 1996, describe the "Armory" parcel boundary as being excluded from the approximate 1032 acre minor boundary adjustment, Annexation Area, corporate limits.

Note: The boundary plan shown hereon was prepared by plotting deeds of public record. The plan was not prepared from an on-the-ground boundary survey.

TM 58/P 3.1 Indicates Tax Map / Parcel Number  
Parcel Boundary

⊙ Parcel Corner  
== Road  
(NF) Now or Former

0' 50' 100'  
SCALE: 1" = 100'

## BOUNDARY PLAN / MILEGROUND ARMORY for City of Morgantown

*Bradley H. Casdorff* 3-19-13  
Bradley H. Casdorff, PS #874 Date



ALPHA ASSOCIATES, INC.  
209 PRAIRIE AVENUE  
MORGANTOWN, WV 26501  
PHONE/FAX: 304-296-8216  
TOLL FREE: 800-640-8216  
www.thinkALPHAfirst.com

**LEGAL DESCRIPTION – MILEGROUND ARMORY  
for  
CITY OF MORGANTOWN**

**PARCEL: ±5.00 Ac**

All of that certain lot or parcel of real estate, situate, lying and being in Morgan District, Monongalia County, West Virginia, bounded and described as follows:

**BEGINNING** at a point in the northeastern boundary line of 90.843 acre parcel known as the Dairy Farm, corner to the northwestern right of way line of U.S. Route No. 119 and thence with said right of way line of U.S. Route No. 119, S. 63° 40' W. 500 feet to a stake; thence leaving said U.S. Route No. 119, N. 32° 37' W. 440 feet to a stake; thence N. 63° 40' E. 500 feet to a point in the northeastern boundary line of said 90.843 acre parcel and with the same S. 32° 37' E. 440 feet to the point or place of beginning, and containing 5 acres, more or less.

Being the same real estate conveyed to The State of West Virginia for the use and benefit of the STATE ARMORY BOARD, a public corporation, from THE BOARD OF BOVERNORS OF WEST VIRGINIA UNIVERSITY, a public corporation, by deed dated April 3, 1962, and of record in the office of the Clerk of the County Court of Monongalia County, West Virginia, in Deed Book 604, at Page 469.

Note: The 5 acre "Armory" parcel boundary was incorrectly referred to by the Office of the Clerk of Monongalia County as residing within the Fifth Ward to the City of Morgantown, and previously shown on Tax Map 58 as Parcel 3.2. The Office of the Clerk of Monongalia County intends to reassign the 5 acre parcel to Morgan District Map 8, as Parcel (30).

## CERTIFICATE

Jim Manilla, Mayor of the City of Morgantown, and Jeff Mikorski, Interim City Manager of the City of Morgantown, hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, the City of Morgantown, by and through its duly elected City Council, pursuant to Section 8-6-4 of the West Virginia Code and in the manner required by law, adopted an Ordinance annexing 5 acres of territory into the corporate limits of the City of Morgantown; that said 5 acres is more particularly described as follows:

All of that certain lot or parcel of real estate, situate, lying and being in Morgan District, Monongalia County, West Virginia, bounded and described as follows:

**BEGINNING** at a point in the northeastern boundary line of 90.843 acre parcel known as the Dairy Farm, corner to the northwestern right of way line of U.S. Route No. 119 and thence with said right of way line of U.S. Route No. 119, S. 63° 40' W. 500 feet to a stake; thence leaving said U.S. Route No. 119, N. 32° 37' W. 440 feet to a stake; thence N. 63° 40' E. 500 feet to a point in the northeastern boundary line of said 90.843 acre parcel and with the same S. 32° 37' E. 440 feet to the point or place of beginning, and containing 5 acres, more or less, as shown on the boundary plan/exhibit attached hereto, dated March 19, 2013, and prepared by Alpha Associates, Inc.

Being the same real estate conveyed to the State of West Virginia for the use and benefit of the STATE ARMORY BOARD, a public corporation, from THE BOARD OF GOVERNORS OF WEST VIRGINIA UNIVERSITY, a public corporation, by deed dated April 3, 1962, and of record in the office of the Clerk of the County Court of Monongalia County, West Virginia, in Deed Book 604, at Page 469.

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Jim Manilla  
Mayor

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Jeff Mikorski  
Interim City Manager



STATE OF WEST VIRGINIA

COUNTY OF MONONGALIA, to-wit:

Taken, subscribed and sworn before me by Jim Manilla, Mayor and Jeff Mikorski, Interim  
City Manager, before the undersigned, this \_\_\_\_\_ day of \_\_\_\_\_,  
2013.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public